

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

Scott Hutchison Enterprises, Inc., et al. : CASE NO: C-1-01-776

Plaintiffs : Judge Weber

vs.

Rhodes, Inc., et. al.

Defendants

**JOINT STATUS REPORT**

Come now the parties to the within litigation and hereby submit their JOINT STATUS REPORT, in compliance with the Courts Order of August 18, 2005 requiring the parties to submit a Joint Status Report and Proposed Scheduling Order on or before September 12, 2005.

STATUS REPORT:

- (1) Pending Motions for Summary Judgment were decided and Orders entered by the Court August 18, 2005. Summary Judgment was granted to the defendant Boggs, who has been dismissed as a defendant to the claims of the plaintiffs. Defendants Rhodes, Geisler and Zimmer remain as defendants, and cross claims by Boggs seeking damages for fees and expenses also remain pending against them.
- (2) In light of these rulings, the parties have agreed to revisit the possibility of settlement and request an additional period until October 10, 2005 to do so.
- (3) The parties propose the attached Revised Joint Plan and Proposed Scheduling Order for the Conduct of the Case in the event the case is not settled. However, the plaintiffs may also seek modification of the Court's August 18, 2005 Orders to include Rule 54(b) "no just reason for delay" language to enable an appeal of those rulings prior to final adjudication of claims against Rhodes, Geisler and Zimmer, as doing so would provide a final determination of whether Boggs' further participation as a

defendant is necessary, and would avoid potentially duplicative proceedings. In the event the Court grants a request to add Rule 54(b) "no just reason for delay" language, and one or both of the affected parties decide to appeal, plaintiffs anticipate filing a request to stay the proceedings against Rhodes, Geisler and Zimmer until the appeal has been decided.

- (4) Counsel have conferred by telephone and have agreed on the dates proposed on the attached proposed Order.
- (5) There are no other matters to be covered in this status report at this time.

Respectfully submitted,



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